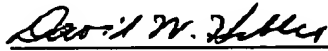


**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on November 8, 2005 to facsimile telephone number (571) 273-0300.

41,071



David W. Hibler

(Reg. No.)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant(s):	Friddle <i>et al.</i>	Group Art Unit:	1646
Application No.:	09/916,122	Appeal No.:	2005-1923
Filed:	07/26/2001	Examiner:	J. Ulm
Title:	Novel Human TTM Protein and Polynucleotides Encoding the Same	Atty. Docket No.:	LEX-0206-USA

**WITHDRAWAL OF APPEAL****Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Appeal ("the Decision") mailed on October 31, 2005, which has been carefully reviewed and studied. While Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board "affirm[ing] the examiner's rejection of claims 1-5" (the Decision at page 8), Appellants hereby withdraw the present appeal (Appeal No. 2005-1923), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on October 5, 2005.

Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

November 8, 2005

Date

David W. Hibler

David W. Hibler  
Agent for Appellants

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# Fax

**To:** Dianne Maggard  
Board of Patent Appeals and Interferences

**From:** David W. Hibler *DWA*  
Reg. No. 41,071  
Agent for Appellants

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**Fax:** 571-273-0300

**Date:** November 8, 2005

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**Phone:**

**Pages:** 3 (including coversheet)

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**Re:** Appeal No. 2005-1923  
Application Serial Number: 09/916,122  
Atty. Dkt. No. LEX-0206-USA

**CC:** File

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**•Comments:**

Please find attached a Withdrawal of Appeal No. 2005-1923. Please contact me at the number shown above if there are any questions.